

FORM PTO-1590
(REV. 12-2001)

U.S. DEPARTMENT OF COMMERCE PATENTS AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

4940/PCT

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10752708
Unknown - to be assigned

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.
PCT/JP2004/014910INTERNATIONAL FILING DATE
08 October 2004
(08.10.2004)PRIORITY DATE CLAIMED
18 October 2003
28 September 2004
28 September 2004TITLE OF INVENTION Diamond Tool, Synthetic Single Crystal
Diamond and Method for Synthesizing Single Crystal Diamond, and Diamond JewelryAPPLICANT(S) FOR DO/EO/US Hitoshi SUMIYA, Yutaka KOBAYASHI, Katsuyuki KAWATE,
Takeru NAKASHIMA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). The Translation
 - a. is attached hereto, along with a Translator's Declaration. is accurate.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Report on Patentability

Items 11 to 20 below concern document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98., Form PTO-1449, copy of Int.Search Report, 11 references, 16 Engl. Abstracts.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A **FIRST** preliminary amendment.
14. A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. A substitute specification.
16. A change of power of attorney and/or address letter.
17. Other items or information:
 - a. a return receipt postcard;
 - b. Form PTO-2038 to cover the filing fee & fee for Assignment Recordal;
 - c. 9 Figs. on 5 sheets of formal drawings.

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NOTE: The priority of Japanese Patent Applications 2003-351497, filed in Japan on October 10, 2003; 2004-282579, filed in Japan on September 28, 2004; and 2004-282692, filed in Japan on September 28, 2004 are claimed for the present Application under 35 USC §119.

NOTE: The entire disclosure of PCT International Application PCT/JP2004/014910 is incorporated herein by reference.

NOTE: This Application has been assigned to: 1) Sumitomo Electric Industries, Ltd. of: 5-33, Kitahama 4-chome, Chuo-ku, Osaka-shi, Osaka 541-0041 Japan; and SUMITOMO ELECTRIC HARDMETAL CORP. of: 1-1, Koyakita 1-chome, Itami-shi, Hyogo 664-0016 Japan.

NOTE: Please print the Assignee data with the Published Application.

U.S. APPLICATION NO. (if known) <u>1270</u> unknown - to be assigned	INTERNATIONAL APPLICATION NO. PCT/JP2004/014910	ATTORNEY'S DOCKET NUMBER 4940/PCT		
21. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY		
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):		with Intern. Search Report		
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.		\$1040.00		
National Phase filing fee (\$300), Search fee (\$400), Examination fee (\$200) = \$900.00				
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00				
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$740.00				
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00				
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 900.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(c)).		\$		
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	36 - 20 =	16	x \$ 50.00	\$ 800.00
Independent claims	7 - 3 =	4	x \$100.00	\$ 800.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$	\$	
TOTAL OF ABOVE CALCULATIONS =		\$ 2500.00		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.		\$		
		SUBTOTAL =	\$ 2500.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$		
		TOTAL NATIONAL FEE =	\$ 2500.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		\$ 40.00		
		TOTAL FEES ENCLOSED =	\$ 2540.00	
		Amount to be refunded:	\$	
		charged:	\$	
a. <input type="checkbox"/>	A check in the amount of \$ _____ to cover the above fees is enclosed.			
b. <input type="checkbox"/>	Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.			
c. <input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0507</u> . An appropriate copy of the assignment is enclosed.			
d. <input checked="" type="checkbox"/>	Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.				
The <u>Power of Attorney</u> and the <u>Correspondence Address</u> for this Application are to <u>CUSTOMER NO.: 021553.</u>		 Walter F. Fasse - <u>3/17/06</u> NAME <u>36132</u> REGISTRATION NUMBER		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re International Application of Hitoshi SUMIYA, Yutaka KOBAYASHI, Katsuyuki KAWATE, and Takeru NAKASHIMA

International Serial Number: PCT/JP2004/014910

International Filing Date: October 8, 2004

For: Diamond Tool, Synthetic Single Crystal Diamond and Method of Synthesizing Single Crystal Diamond, and Diamond Jewelry

VERIFICATION OF TRANSLATION

Honorable Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

Hisato NODA, residing at c/o Fukami Patent Office, Nakanoshima Central Tower, 22nd Floor, 2-7, Nakanoshima 2-chome, Kita-ku, Osaka-shi, Osaka, Japan, declares:

- (1) that he knows well both the Japanese and English languages;
- (2) that he translated the above-identified International Application from Japanese to English;
- (3) that the attached English translation is a true and correct translation of the above-identified International Application to the best of his knowledge and belief; and
- (4) that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 10th day of March, 2006

Translator's Signature:

Hisato Noda
Hisato NODA

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